

MINUTES

ALCOHOL AND TOBACCO COMMISSION

MAY 19, 2009

CALL TO ORDER/NOTING OF QUORUM

Chairman Snow called the meeting to order and noted the quorum and the attendance. Present were Vice Chairman Johnson, Commissioner Guthrie and Commissioner Sturtz. Superintendent Huskey and Executive Secretary Dunsmore were also in attendance.

Marc Carmichael, Trevor Vance, Brad Klopfenstein, Mark Webb, Rob Lundstrom, Jim Purucker, Sharon Porter, Nancy Robinett and Ron Breymier were present as observers.

DISPOSITION OF MINUTES

Commissioner Sturtz moved to approve the minutes that were submitted for the May 5, 2009 meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

PAD FORMS – Commissioner Guthrie moved to approve the parties agreed disposition forms that were submitted for the May 19, 2009 meeting. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR49-92410 CHAMPS SPORTS BAR & GRILL, INC., D/B/A BIG DOG SALOON – Commissioner Guthrie noted this was a recommended denial by the Marion County Local Board and an upholding of that denial by the Commission. The permittee filed a timely notice of appeal and the matter was set for hearing. The Hearing Judge, Commissioner Guthrie, now submits his Proposed Findings of Fact and Conclusions of Law for recommendation to the Commission.

Vice Chairman Johnson moved to uphold the Hearing Judge and reverse the denial and approve the renewal. Motion seconded by Commissioner Sturtz and Chairman Snow voted to approve motion. Commissioner Guthrie abstained from voting due to the fact that he was the Hearing Judge in this matter.

CONSIDERATION OF APPLICATIONS

I incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission, and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

I incorporate by reference these lists of permit applications for a new permit or application for changes in location or ownership or both of existing permits, which have

been recommended by local boards and reviewed by at least two Commissioners and hereby move for approval of same and inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

I incorporate by reference these lists of permit applications for catering and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

I incorporate by reference these lists of permits to be placed in escrow for not more than one year, which have been reviewed and recommended by a Commissioner as appropriate for first or second year escrow and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

Two hundred ninety-one (291) renewals approved, thirty-eight (38) new and/or transfer permits approved, nine (9) permits approved for catering, five (5) permits approved for first year escrow, five (5) permits approved for second year escrow, five (5) permits approved for third year escrow, and two (2) permits approved for fourth year escrow.

RENEWAL LETTERS AND WAIVER OF FEES

Vice Chairman Johnson moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Motion seconded by Commissioner Sturtz and it was unanimously approved.

APPLICATIONS FOR DISCUSSION

DL30-25655 HOOK-SUPERX, LLC., D/B/A CVS PHARMACY #6599 – Commissioner Guthrie noted this is a new type 208 application with the local board voting three (3) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board and approve the new permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR49-24236 LA CONSTENTITA ENTERPRISES, INC. – Commissioner Guthrie noted this was a recommended approval by the Marion County Local Board; however, no zoning approval was submitted as required.

Commissioner Guthrie moved to remand this application, so that the necessary zoning can be submitted to the local board. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

DL01-25815 GERBER'S SUPER VALU, INC. – Commissioner Guthrie noted this is a new type 115 with the local board voting three (3) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the new permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR66-04428 KSDW, INC., D/B/A THE PEAK INN- Commissioner Guthrie noted this is a type 210 transfer of location with the local board voting four (4) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the transfer. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

RR84-25538 LATA, LLC, D/B/A LOUISE'S CAFÉ & BAR/FINE ITALIAN DINING – Commissioner Guthrie noted this was a recommended approval by the local board. However, the Commission voted to reverse the local board and deny the new permit, based on the fact that it did not appear this establishment qualified as an airport/restaurant permit. The Commission has been provided with additional information, which appears to prove this establishment is qualified.

Commissioner Guthrie moved to overturn the denial and approve the new permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR12-25792 RENE PEREZ, D/B/A RESTAURANTE AZTECA – Commissioner Guthrie noted this is a new type 210 with the local board voting three (3) to zero (0) to disapprove.

Commissioner Guthrie stated the location of this permit is within 200 feet of a church; however, there is a permit currently at this location, which predated the church. Therefore, the local board asked that the Commission remand this application.

Commissioner Guthrie moved to remand this application to the local board. Motion seconded by Commissioner Sturtz and it was unanimously approved.

INACTIVE FILES

INACTIVE FILES – Vice Chairman Johnson moved to make sixty-two (62) permits inactive. Six permits are subject to auction, and fifty-six permits are not subject to auction. Motion seconded by Commissioner Guthrie and it was unanimously approved.

RR15-23940 ROBERT HREZO – Commissioner Guthrie moved to reactivate this permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

PERMITS REVOKED – Commissioner Guthrie stated twenty-eight (28) permittees were sent notice to appear before the Commission on this date, regarding the revocation of their permit. None of the permittees appeared at the meeting, and; therefore, Commissioner Guthrie moved to revoke those permits. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

OLD BUSINESS

SOUTHERN WINE & SPIRITS OF INDIANA – Chairman Snow stated there has been some activity regarding this application, including petitions being filed, since the last time this was before the Commission. Noting the vote was to take place today, the Chairman said that he had notified the parties by letter that the Commission needed time

for further investigation, and that he anticipated the vote would take place on June 16, 2009.

NEW BUSINESS

No New Business

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

No Announcements

ADJOURNMENT

Commissioner Sturtz moved to adjourn the meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

Approved this _____ day of _____, 2009.

P. TOM SNOW, CHAIRMAN

DAVID JOHNSON, VICE CHAIR

DALE STURTZ, COMMISSIONER

FRANK GUTHRIE, COMMISSIONER